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ABSTRACT

A practicum to determine the need for a sexual harassment policy and to develop an appropriate policy for Sheldon Jackson College, Alaska, is described. The objective of the practicum was to determine the impact of equal opportunity legislation, specifically as it relates to sexual harassment of students, on the private college campus. The practicum reviewed state and federal laws and policies that affected college and universities and polled 70 private Presbyterian colleges to determine their actions or planned strategies to deal with sexual harassment. Copies of sexual harassment policies were received from 16 of the 70 private colleges. Appendices include: the Sheldon Jackson College section of the 1983 Faculty and Staff Handbook on the personnel appeal policy; a grievance appeal form, the text of the Alaska law on harassment, the sexual harassment policy proposed by Sheldon Jackson College faculty, and a revised version of the faculty document on sexual harassment policy. (SW)

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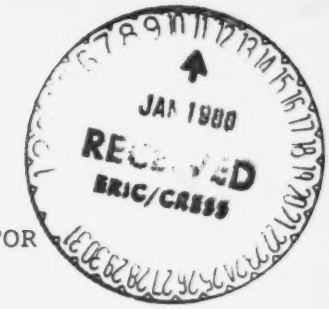

DEVELOPING A SEXUAL HARASSMENT POLICY FOR SHELDON JACKSON COLLEGE

SEMINAR: SOCIETAL FACTORS

by

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A PRACTICUM PRESENTED TO NOVA UNIVERSITY IN PARTIAL FULFILLMENT OF THE REQUIRMENTS FOR THE DEGREE OF DOCTOR OF EDUCATION

Nova University

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ABSTRACT

The objective of this practicum was to determine the impact of equal opportunity legislation, specifically as it relates to sexual harassment of students, on the private college campus. The practicum reviewed state and federal laws and policies as they related to sexual harassment in the college and university setting and polled 70 private Presbyterian related colleges to determine what they had done or were doing to deal with problems of sexual harassment. The results of the review of both public policies and of the responses from private colleges were used to develop a Sexual Harassment Policy which was presented to the Sheldon Jackson College faculty and has been approved by that body and submitted to the President of the institution for his action.

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Chapter 1

INTRODUCTION

The Need for a Policy

Sheldon Jackson College is a small (FTE 276) private liberal arts college located in Sitka, Alaska. Its educational objective is to provide a college education for all Alaskans, and its historic mission has been to serve Alaska Native (Indian, Aleut, and Eskimo) students. The present student body is 72% Alaskan and 56% Native Alaskan.

As a minority institution Sheldon Jackson has always been concerned with the issues of job discrimination. Thus the impact of the various employment discrimination statutes (Title VII of the Civil Rights Act of 1964, Executive Order 11246, Title IX of the Education Amendments of 1972, the Equal Pay Act, and Executive Order 11246) upon the institution was minimal. The institution has been especially sensitive to the issues of racial discrimination and has sought to hire minority faculty and has offered programs in Native studies. Until recently it has had little concern with sexual discrimination.

During the Fall of 1985, incidents of sexual

harassment shifted the focus to sexual equality, specifically to the social and legal problems created by sexual harassment. At the request of the administration, the Liberal Arts Division appointed an ad hoc committee to study the problem and to develop a policy to be recommended to the faculty. The purpose of the practicum was to determine the necessity of a sexual harassment policy and then to develop an appropriate policy for Sheldon Jackson College.

Since the institution already had a Personnel Appeal Policy (Appendix A), it was essential that any recommendation that it be augmented by a sexual harassment policy include not only a statement of the recommended change, but also the rationale for such change.

Rationale for Change

Apart from the fact that there had been incidents of alleged sexual harassment on the Sheldon Jackson College campus, sexual harassment was and remains, nationally, a serious and widespread problem. Dean and Tillar (Sexual Harassment: An Employment Issue, p. 2) discuss two types of workplace sexual

harassment. The first simply involves unwanted sexual attention from supervisors, subordinates, co-workers, or even non-employees, that is personally offensive to the employee. This conduct can range from making suggestive comments and telling off-color jokes to unnecessary touching or being physcially aggressive. The second involves sexual advances made by a supervisor with the stated or implied threat that rejection of such advances will adversely affect the victim's employment. Central to this type of harassment is the element of power - the existence of an employment reprisal available to the supervisor. Both types of sexual harassment present barriers to the victim's full participation in the workforce by creating a stressful and often intolerable work environment. Today employers may be held liable for allowing either type of harassment to occur. And under a Supreme Court opinion reported on the news this week, employers may be responsible <u>even if the incidents of harassment are not reported to them</u> (emphasis added).

Sexual harassment by supervisors of employees was one aspect of concern at the college. But the more immediate concern of Sheldon Jackson College faculty was sexual harassment of students. The concern was succinctly addressed in the Lafayette College Policy on

Sexual Harassment:

> Sexual harassment in in any situation is reprehensible; it is particularly damaging when it exploits the educational dependence and trust between students and faculty. When the authority and power inherent in faculty relationships to students are abused in this way ... there is potentially great damage to the individual students, to the persons complained of, and to the educational climate of the institution.

Tuana notes:

> The power possessed by an instructor over students in a class is the power to evaluate their work, that is to give them a grade, where such evaluation is based upon criteria which, for the most part, the instructor has designed. The power is accentuated if that instructor is also in the position to make or influence political decisions about that student ... or is the only instructor who has the knowledge of a subject matter in which the student is particularly interested (p.54).

Studies indicate that sexual harassment is a problem affecting a surprisingly high proportion of students, staff and faculty. Although the majority of cases reported were between male faculty and female students, there were also incidents of harassment between female instructors and male students, as well as same sex harassment (Tuana, p. 53). In an extensive article on sexual harassment of students by professors, The Washington Post (September 6, 1981) estimated approximately 110,000 female students, or 2 per cent, receive bribes or threats for sexual activity. The

estimate was based on several studies as well as interviews with administrators handling complaints. Estimates of sexual harassment in general, which would include other behavior as well - such as fondling, kissing, ogling, leering, and sexual remarks - are usually estimated to be about 20 per cent.

The 1977 case of Alexander v Yale University addressed the importance of a Sexual Harassment policy to the institution. The suit, filed by four female undergraduates and one male professor, charged that the university condoned sexual harassment of women students by not providing adequate grievance mechanisms to handle complaints and that this constituted sex discrimination in violation of Title IX of the Education Amendments of 1972 (Abstract,1980). Yale sought to dismiss the case, but a December 21, 1977, decision by United States Federal Magistrate Arthur Latimer held that sexual harassment is sex discrimination and that the plaintiff can sue a private institution under Title IX. Connecting sexual harassment in education with employment, he stated:

> It is perfectly reasonable to maintain that academic advancement conditioned upon submission to sexual demands constitutes sexual discrimination in

> education, just as questions of job retention or promotion tied to sexual demands from supervisors have become increasingly recognized as potential violations of Title VII's ban against sexual discrimination in employment (Crocker, 1978).

The need for the institution to develop a policy specifically related to Sexual Harassment was clearly stated by Tuana (p.63):

> A code of conduct should be made clear to all faculty and students...This code should include a definition of sexual harassment, discussions of various types of sexual harassment, and grievance procedures. Publication of such a code in student and faculty handbooks, class schedules, and student newspapers will inform a large number of people....Institutions can be supportive of seminars...in which the meaning and effects of sexual harassment are discussed and the procedures for filing a complaint are made clear. Institutions can encourage students to report incidents of sexual harassment and to confront teachers <u>by creating and maintaining an atmosphere where such complaints will be justly treated</u> (emphasis added).

Chapter 2

BACKGROUND AND SIGNIFICANCE

Civil Rights and the Chilly Climate

After prolonged debate and compromise, Congress passed Title VII of the Civil Rights Act of 1964, prohibiting various forms of employment discrimination. Congress later expanded Title VII and increased the authority of the Equal Employment Opportunity Commission (EEOC) by passing the Equal Opportunity Act of 1972. The EEOC has congressional authority to enforce Title VII, but the federal courts have jurisdiction to hear claims brought under Title VII once the EEOC has investigated them (Deane and Tillar, p.1).

At issue has been the charge that sexual harassment is sex discrimination in violation of Title VII. Final EEOC guidelines were important to the decision to develop a Sexual Harassment Policy for Sheldon Jackson College. Those most relevant to this practicum are cited below. Especially relevant to the need for a Sexual Harassment Policy was clause (f).

> (a) Harassment on the basis of sex is a violation of Section 703 of Title VII...
>
> (c) Applying general Title VII principles, an employer, employment agency, joint apprentice committee or labor organization...is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of the occurrence...
>
> (f) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of the right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned (Kaplin, pp.132-133).

Sexual Harassment is one aspect of the larger issue of the effect of gender on education considered in the study of Societal Factors Affecting Education and addressed by Roberta Hall in "The Classroom Climate: A Chilly One for Women?" Hall points out that "overtly disparaging remarks about women...can have a critical and lasting effect." She further notes "men students are also affected. If limited views of women are overtly or subtly communicated, some men students may experience reinforcement of their own negative views about women." Ultimately, "a learning climate that... communicates

different expectations for women than for men can interfere with the educational process itself" (p.3).

Consequently, definitions of sexual harassment often include recognition of the larger problem. This practicum, however, concerned itself with sexual harassment, per se.

Method of Review

The Nova University Information Retrieval Service was used to locate studies or reports of the issue of Sexual Harassment. A search of the ERIC file using such concepts as sex discrimination, sex fairness, equal facilities, sex differences, sexual harassment, and sexual abuse produced 121 items. Of these, seven were directly related to sexual harassment on the college or university campus. Local and state facilities, including the college library, inter-library loan, course materials, and local and state Human Rights and Women's Rights offices, produced another twelve articles or documents.

Literature Relevant to the Practicum

Articles relevant to the practicum included Alexander v. Yale: Collected Documents from the Yale Undergraduate Women's Caucus ; the 1981 report by the Association of American Colleges, On Campus with Women; Hall's article, "Classroom Climate for Women: the Tip of the Iceberg;" Hay's case study, Susan Lewis -- A Case of Sexual Harassment ; Houston's article, "Gender Freedom and the Subtleties of Sexist Education;" Hoyman and Robinson's article, "Interpreting the New Sexual Harassment Guidelines;" Tipton's discussion of sexual harassment in How to Supplement Support Services for Nontraditional Students ; Tuana's article, "Sexual Harassment in Academe: Issues of Power and Coercion;" Josefowitz' material on sexual harassment in You're the Boss ; various state and federal documents including "Women's Legal Rights in Alaska," published by the Alaska Women's Commission; Alaska Law, A.S. Sec. 11.61.120, Harassment ; Chapter X, "Sexual Harassment" in Regulations of the University of Alaska; Sandor's May 27, 1981, "Memo to All Region 10 Employees;" Secretary of Agriculture Robert Bernhardt's February 19,

1980, "Memo to All Employees" with its attached "Policy Statement and Definition of Sexual Harassment;" Gee's May 7, 1980, "Memo to All Employees: Discrimination and Sexual Harassment;" and Young's "Sexual Harassment" in the 1986 edition of the Federal Employees Handbook .

Definitions. Many of the articles addressed the meaning of the term "Sexual Harassment." The National Advisory Council on Women's Education Programs Report on Sexual Harassment defined sexual harassment as:

1. Generalized and sexist remark or behavior,

2. Inappropriate and offensive, but essentially sanction-free sexual advance,

3. Solicitation of sexual activity or other sex-linked behavior by promise or rewards,

4. Coercion of sexual activity by threat or punishment, and

5. Sexist assault.

Sandor defined sexual harassment as: "implicit or explicit coercive sexual behavior used to control, influence or affect the career, salary or job of an employee" (p.2). Bernhardt defined sexual harassment as "deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which

is unwelcome" (p.2). The University of Alaska Regulations define sexual harassment as:

> 1. ...unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature, where:
>
> a.
>
> (1) submission to said conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
>
> (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
>
> (3) such conduct has the purpose or necessary effect of unreasonably interfering with an individual's work or academic performance or creating a hostile, intimidating or offensive working or learning environment; and
>
> b.
>
> (1) such conduct or behavior was known by the actor to be unwelcome, harmful or offensive; or
>
> (2) a person of average sensibilities would clearly have understood that the behavior or conduct was unwelcome, harmful or offensive.

Sexual Harassment on the College Campus .

Tuana addressed sexual harassment on the college or university campus in "Sexual Harassment in Academe, Issues of Power and Coercion." She defined academic

sexual harassment as:

> the use of authority to emphasize the sexuality or sexual identity of a student in a manner which is coercive or annnoying and which thereby prevents or impairs that student's full enjoyment of educational benefits, climate or opportunities.

She noted that:

> The power possessed by an instructor over students in class is the power to evaluate that work, that is, to give them a grade....The power is accentuated if that instructor is also in the position to make or influence political decisions about that student ... or is the only instructor who has knowledge of a subject matter in which the student is particularly interested.

Sexual harassment on the campus can also occur in the employee setting, between faculty or staff and supervisor. Sandor defined this as:

> Behavior which is not welcome, which is personally offensive, which debilitates morale, and which therefore interferes with the work effectiveness of its victims and their co-workers.

Importance of the Issue. When female faculty members have brought up the subject of sexual harassment, the all too frequent response by male faculty has been, "Is there a problem?" The most recent incidence of sexual harassment (by a male faculty member of female students) at Sheldon Jackson College was reported and dealt with late last fall, yet several male

faculty members were not aware of the occurrences. All of the female faculty members had been aware of the events.

A search of the literature supported the position that sexual harassment was indeed a problem on college campuses and that it was and is "a problem affecting a surprisingly high proportion of students, staff, and faculty" and that although "the great majority of cases involve male instructors and female students, there are also cases of harassment between female instructors and male students, as well as same-sex harassment" (Tuana, p.53).

Tuana cited studies at the University of California, Berkeley, where 20% of those responding reported having experienced sexual harassment; at Southern Illinois University, where 25% reported being sexually harassed; and Arizona State University, where 13% of the women and 5% of the men reported incidences of sexual harassment.

The Legal View . The Equal Employment Opportunity Commission (EEOC), as noted above, has issued interpretive Guidelines on Sexual Harrassment to reaffirm the EEOC's position that sexual harassment is

an unlawful employment practice under Title VII of the Civil Rights Act of 1964.

Hoyman and Robinson (p.997) discussed the controversy among the courts over whether sexual harassment constitutes sex discrimination under Title VII and whether the employer is liable for harassment by supervisors. They cited two major decisions finding for employer liability: Barnes vs. Castle (1972) and Tomkins vs. Public Service and Electric Company (Case II).

The 1977 case of Alexander v. Yale University cited earlier drew a comparison between sexual harassment on the job and sexual harassment in the classroom. It spoke to the legal importance of a Sexual Harassment policy to the institution.

Chapter 3

PROCEDURES

Committee Structure

Since the need for a Sexual Harassment Policy was first raised in the Liberal Arts Division, an ad hoc committee was appointed by Frank Roth, Chair of that Division, to develop a policy. Ad hoc committee members, Linda Larsen, Professor of Art and Humanities, Dr. Bruce Humphrey, Chaplain and Professor of Religion, and Jan Craddick, Professor of Speech and Theatre, were asked to develop a policy to present to the division. After division approval, the policy would be presented to the full faculty.

Sources of Information

The committee garnered its initial material, including the legal basis for action, from local and state agencies. Other material came from the computer search mentioned above, from published material available at Stratton Library, and from inter-library loan. A valuable source of information was other

Presbyterian related colleges. Their Sexual Harassment policies and the policy of the University of Alaska served as models for the policy that was drafted by the committee.

Much of the published material on sexual harassment related to harassment in the work force and to policies for that setting. In the State of Alaska, policies appropriate to the private college setting are virtually non-existent. Present Alaska Law (Appendix B) relates only to "harassment" in general and makes no provision for "sexual harassment." Although corrective legislation was introduced this session (Appendix C), it related only to "a person who has caused physical injury ... or damage to the property of the person, with intent to intimidate or harass the person because of the person's sex, sexual orientation, race, color, religion, national origin, or physical or mental disability" (p.1). This legislation was not passed this session. New legislation can be introduced in 1987.

The University of Alaska policy provided in its Regulations initially seemed adaptable to the Sheldon Jackson College setting. However, the case of Alexander v Yale cited earlier indicated the importance of proposing to the faculty and administration a policy

that took into account what was being done in the private as well as the public sector. In addition to reviewing public policies, the committee contacted the seventy private colleges and universities that are Presbyterian related and reviewed what they were doing to (1) serve the needs of their students and (2) meet the legal requirements of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

The purpose of this practicum, then, was to: (1) review state and federal law and policy as it related to sexual harassment in the college and university setting, (2) determine what other private colleges had done or were doing to deal with problems of sexual harassment, whether they had sexual harassment policies and the provisions of the policies, and (3) determine how the policy was administered.

Both public and private policies and regulations were reviewed to determine:

1. The definition of "sexual harassment."

2. The rights and responsibilities of the various parties, including administration, supervisors, the aggrieved party, affirmative action officers (or their equivalent), and the grievance council (or its equivalent).

3. The guidelines to be followed in dealing with complaints of sexual harassment.

4. Procedures for resolving the complaint.

5. Disciplinary action to be taken.

6. Methods for training faculty and staff concerning sexual harassment.

7. Methods for disseminating information about policies and procedures to the college community.

Chapter 4

RESULTS

In addition to reviewing documents from various public agencies, the ad hoc committee received and reviewed copies of sexual harassment policies from sixteen of the seventy private colleges (Appendix D) to which it had written. In addition to the sixteen colleges which had developed policies; another five were in the process of developing a policy; one college had a faculty committee reviewing the Faculty Handbook and suggested that the review might lead to a Harassment policy; another had an affirmative action officer and indicated that it abided by accepted affirmative action policies; another included Sexual Harassment in its policy on general harassment; two others indicated that they followed EEOC Sexual Harassment Guidelines. Seven had no policy, but two of these asked for copies of any policy Sheldon Jackson College developed. Table One summarizes the responses.

The committee also asked the colleges for information about their Affirmative Action or EEOC office. Twenty-three colleges responded to this

question. Although there was no visible pattern of appointment to the position of Affirmative Action or EEOC officer, there were three factors that may influence a decision about such an officer for Sheldon Jackson College: (1) In no case did the president of a college serve as either Affirmative Action or EEO officer, (2) many of the appointees were women (eight of the thirteen who were specifically named), and (3) all of the appointees served in other capacities as well (Table 2).

In reviewing the various documents, the ad hoc committee kept in mind its concern for:

1. A policy for Sheldon Jackson College that meets the needs of its students and complies with the law.

2. A policy that is acceptable to the faculty and the administration <u>because</u> it is based on policies from comparable colleges as well as guidelines from public agencies.

3. Guidelines for the designation of an Equal Opportunity Officer and for the establishment of a Grievance Council.

Of the sixteen colleges with Sexual Harassment Policies, all but one defined the acts that constituted harassment. Ten had preambles to their policies in which they stated the rationale for adopting the policy. Four stated the legal basis

for the policy. All policies included formal and informal complaint procedures. Six had guidelines for investigation, and eight spelled out potential disciplinary action. Table three summarizes the policies.

The ad hoc committee developed a policy (Appendix E) that included all of the above sections. The policy was passed by the Liberal Arts Division at its April meeting and by the faculty at its May meeting.

TABLE 1

Response on Sexual Harassment Policy

Schools:	
Contacted:	70
Have Speci-policy	16
Developing policy	2
Have general policy	3
Interested in a policy	3
Expressed no interest	5
No response	38

TABLE 2

Response on Policy Administration

Schools:	
Contacted	70
Responded	23
Male Officer	5
Female Officer	8
No indication	10

TABLE 3

Items Included In Policy

Schools:	
Contacted	70
Responded	16
Preamble	10
Legal Basis	4
Definitions	15
Procedures	16
Disciplinary Action	8
Investigation Guidelines	6
Training	0
Dissemination	0

Chapter 5

DISCUSSION, IMPLICATIONS, AND RECOMMENDATIONS

Tuana notes (p.62) the importance of an harassment free environment to the learning process:

> All students have the right to study in an atmosphere free of ... discriminatory intimidation, derogatory attitudes, and sexual objectification. They have a right to bre treated as inquiring human beings. Understood within the current social context concerning sexuality, the dynamics of sexism, and the powerlessness of students to stop unwanted actions of their instructors, it should be clear that such actions cause students harm by emphasizing their sexual identity.

In adopting a Sexual Harassment Policy the Sheldon Jackson College faculty indicated its concern with a learning environment in which "all individuals are free to develop close relationships without fear of inappropriate sexual behavior" (Policy, p.1). Following that action, the document was sent to the President for his approval. The faculty document was revised by a committee consisting of the President, the Vice President for Academic Programs, and Jan Craddick, representing the ad hoc committee.

The revision (Appendix F) differs from the faculty document in several ways:

the document to be placed in the faculty, staff, and student handbooks has been shortened by deleting paragraphs two and three of Article I; Article III, section 2, defining "learning/working environment"; Article V, sections 4 and 5; Article VI, Disciplinary Action; Article VIII, Training; and Article IX, Dissemination.

The sections on training and dissemination were deleted as not being part of the policy statement. This follows the pattern set by the other private colleges and universities. They are, however, part of faculty action. They will be disseminated as outlined above, and the ad hoc committee will work with the Vice President for Academic Programs to plan training sessions.

The Preamble has been strengthened by changing "Sheldon Jackson College attempts to maintain a community which is free of sexual harassment" to "Sheldon Jackson College places high priority upon a community which is free of sexual harassment." Article II has been changed and strengthened by making the basis for action the college commitment to a community free of sexual harassment and by including the sanctions that could be taken if allegations of sexual harassment were substantiated.

The major change is in the guidelines for formal investigation. Rather than work through an Affirmative Action or EEOC officer and a Hearing Panel, the investigation process will tie in with the standard college grievance procedure. There are four steps to this procedure.

1. The grievance is brought to the attention of the appropriate supervisor.

2. The grievant may appeal the supervisor's decision to the appropriate administrator.

3. S/he may appeal the administrator's decision to the President.

4. S/he may appeal the President's decision to the Board of Trustees.

Since this document (Appendix A) is designed for faculty and staff, it will need to be revised to include students Also, it will need to be reviewed to make sure that the policy and the procedures are consistent. The policy allows the grievant to report the harassment to any one of the college administrators in order to allow him/her to appeal to an administrator with whom s/he is comfortable and in order to provide for the possibility that one of the administrators might be the harasser. The procedure directs the grievant to an area administrator.

As mentioned above, the ad hoc committee will

work with the Academic Vice President to make plans for educating the college community on the subject of sexual harassment when the new semester begins in August. Such training is supported by the American Council on Education (Dziech and Weiner, p.200), which stressed that:

> Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their rights to raise and how to raise the issue of harassment...

Dzeich and Weiner (p.172-3) also suggest:

> Workshops or guest lectures that address the specialized concerns of deans, department heads, and faculty...These may deal directly with the problems of sexual harassment, or they may approach it as part of the larger issue of the "chilly classroom climate" to which women students in higher education are subjected. Faculty, for example, benefit from workshops that teach them to identify ways in which they treat men and women students differently.

There are both individuals and films that can be used in putting together such workshops. With the approval by the President, the way has been paved for Sheldon Jackson College faculty to assume its responsibility for a campus which is "free of sexual harassment and all forms of intimidation and exploitation" (Policy, p.1).

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seminar

University of Alaska, "Chapter X, Sexual Harassment" Regulation(s) , April 1, 1985, unnumbered

Young, Joseph et al, "Sexual Harassment" in Federal Employees Almanac, 1986, 1 page

APPENDIX A

PERSONNEL APPEAL POLICY

FACULTY AND STAFF HANDBOOK

AUGUST 1983

PERSONNEL APPEAL PROCESS

It is the intent of Sheldon Jackson College when disagreements and conflicts arise between subordinates and supervisors that they be resolved informally at the lowest possible level within the administration. However, if such situations cannot be expedited through open and direct communication, then the following formal appeal procedure may be employed.

Step I - All personnel grievances are to be brought to the attention of the appropriate supervisor in writing within seven (7) calendar days of the inciting event and/or decision. The immediate supervisor will verbally respond within three (3) calendar days to the grievant and formally document in writing said response within two (2) days of the discussion.

Step II - If the personnel member is not satisfied with the outcome(s) of the immediate supervisor's decision, the grievant may submit a written appeal to the appropriate, respective area director (Dean of Academic Programs, Vice President for Administration or Dean of Student Services). Such an appeal to be considered valid must be received by the area director within five (5) calendar days of the completion of Step I. The area director will return a written decision within five (5) calendar days of receipt of the formal appeal.

Step III - In the absence of resolution at Step II, the grievant may appeal the area director's decision to the President. Such an appeal must be received in writing within five (5) calendar days of the completion of Step II. The President may exercise the option of a full hearing at which time all parties may present witnesses or render a decision based upon the written information which was submitted. The grievant may engage representative counsel inclusive of an individual from the Personnel Committee.

Step IV - If the grievant believes he/she has not been accorded procedural due process in consideration of appeal, grievant may file a written complaint to the Board of Trustees. The Board reserves the right to hear and review only those cases where due process as herein outlined may have been abridged. Such written appeals must be submitted to the Chairman of the Board one (1) month prior to either of the semi-annual meetings. If the Board considers the matter, a final written decision will be rendered to the grievant within fourteen (14) calendar days of the Board hearing.

All formal appeals to be considered must be submitted on the following form.

GRIEVANCE APPEAL FORM

Name of Grievant _____ Date form completed _____

Date(s) of grievance _____

Individual(s) causing grievance _____

_____

Complete description of grievance situation (supporting documentation should be attached):

Suggested means for resolution of the matter:

Date Rec'd by Supervisor _____
Date Supervisor Response Rec'd _____
Date Resolved _____
Date Rec'd by Area Director _____
Date Director Response Rec'd _____
Date Resolved _____
Date Rec'd by President _____
Date President Response Rec'd _____
Date Resolved _____
Date Rec'd by Chairman of Board _____
Date Board Response Rec'd _____

APPENDIX B

ALASKA LAW

Collateral references. — 12 Am. Jur. 2d, Breach of Peace, Etc., §§ 18-40.

11 C.J.S., Breach of the Peace, §§ 1-16.

Failure or refusal to obey police officer's order to move on, on street, as disorderly conduct, 65 ALR2d 1152.

Misuse of telephones as disorderly conduct, 97 ALR2d 504.

Vagueness as invalidating statutes or ordinances dealing with disorderly persons or conduct, 12 ALR3d 1448.

Larceny as within disorderly conduct statute or ordinance, 71 ALR3d 1156.

Sec. 11.61.120. Harassment. (a) A person commits the crime of harassment if, with intent to harass or annoy another person, that person

(1) insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;

(2) telephones another and fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;

(3) makes repeated telephone calls at extremely inconvenient hours;

(4) makes an anonymous or obscene telephone call or a telephone call that threatens physical injury;

(5) subjects another person to offensive physical contact; or

(6) violates a provision of an order issued under AS 25.35.010(b) or 25.35.020 restraining the respondent from communicating directly or indirectly with the petitioner.

(b) Harassment is a class B misdemeanor. (§ 7 ch 166 SLA 1978; am § 10 ch 61 SLA 1982)

Cross references. — For provisions authorizing arrest without warrant in certain cases where the police officer has reasonable cause to believe that the person has committed a crime under this section, see AS 12.25.030(b).

Effect of amendments. — The 1982 amendment added paragraph (6) to subsection (a).

NOTES TO DECISIONS

For case construing former AS 11.45.035 relating to illegal use of telephones, see Anniskette v. State, Sup. Ct. Op. No. 732 (File No. 1231), 489 P.2d 1012 (1971).

Collateral references. — Misuse of telephones as disorderly conduct, 97 ALR2d 504.

Validity, construction, and application of state criminal statute forbidding use of telephone to annoy or harass, 95 ALR3d 411.

APPENDIX C

COMMITTEE SUBSTITUTE

FOR HOUSE BILL 194

Offered: 3/26/86
Referred: Rules

Original sponsor: Rules/Governor

IN THE HOUSE BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 194 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to a cause of action and sentencing for certain offenses involving discriminatory harassment."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 09.55 is amended by adding a new section to read:

ARTICLE 8. DISCRIMINATORY HARASSMENT.

Sec. 09.55.650. DISCRIMINATORY HARASSMENT ACTION. (a) A person may maintain an action for discriminatory harassment against another person, or against the parent or legal guardian of a minor, who has caused physical injury to the person or damage to the property of the person, with the intent to intimidate or harass the person because of the person's sex, sexual orientation, race, color, religion, national origin, or physical or mental disability.

(b) Actual and punitive damages may be awarded to a prevailing plaintiff in an action brought under this section. An award of damages against the parent or legal guardian of a minor under this section must be predicated upon conduct of the parent or legal guardian that is at least negligent. An award of damages under this section does not preclude a person from seeking other remedies available under law.

(c) A party filing a complaint or an answer under this section, shall serve an informational copy on the executive director of the Alaska State Commission for Human Rights.

* Sec. 2. AS 12.55.155(c)(22) is amended to read:

(22) the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, sexual orientation, color, creed, ancestry, religion, or national origin;

APPENDIX D

COLLEGES RELATED TO

THE PRESBYTERIAN CHURCH (U.S.A.)

COLLEGES RELATED TO THEPRESBYTERIAN CHURCH (U.S.A.)
(All coeducational unless marked W or M)

	Page
Agnes Scott College [W], Decatur, GA 30030	176
Alma College, Alma, MI 48801	203
Arkansas College, Batesville, AR 72501	274
Austin College, Sherman, TX 75090	280
Barber-Scotia College, Concord, NC 28025	128
Beaver College, Glenside, PA 19038	99
Belhaven College, Jackson, MS 39202	245
Blackburn College, Carlinville, IL 62626	240
Bloomfield College, Bloomfield, NJ 07003	52
Buena Vista College, Sturm Lake, IA 50588	259
Carroll College, Waukesha, WI 53186	255
Centre College of Kentucky, Danville, KY 40422	213
Coe College, Cedar Rapids, IA 52402 252	
Davidson College, Davidson, NC 28036	
Davis & Elkins College, Elkins, WV 26241	99
University of Dubuque, Dubuque, IA 52001	
Eckerd College, St. Petersburg, FL 33733	165, 190
College of Grando, Ganado, AZ 86505	
Grove City College, Grove City, PA 16127	99
Ham-dem-Sydney College [M], Hampden-Sydney, VA 23943	
Hanover College, Hanover, IN 47243	240
Hastings College, Hastings, NE 68901	250
Hawaii Loa College, Kaneohe, Oahu, HI 96744	288
College of Idaho, Caldwell, ID 83605	
Illinois College, Jacksonville, IL 62650	240
Jamestown College, Jamestown, ND 58401	257
Johnson C. Smith University, Charlotte, NC 28216	128
King College, Bristol, TN 37620	245
Knoxville College, Knoxville, TN 37921	165
Lafayette College, Easton, PA 18042	99
Lake Forest College, Lake Forest, IL 60045	240
Lees College, Jackson, KY 41339	245
Lees-McCrae College, Banner Elk, NC 28604	
Lewis & Clark College, Portland, OR 97219	374
Lindenwood College, St. Charles, MO 63301	263
Macalester College, St. Paul, MN 55105	261
Mary Baldwin College [W], Staunton, VA 24401	
Mary Holmes College, West Point, MS 39773	165
Maryville College, Maryville, TN 37801	167
Millikin University, Decatur, IL 62522	240
Missouri Valley College, Marshall, MO 65340	263
Monmouth College, Monmouth, IL 61462	240
Montreat-Anderson College, Montreat, NC 28757	
Muskingum College, New Concord, OH 43762	210
Occidental College, Los Angeles, CA 90041	388
College of the Ozarks, Clarksville, AR 72830	274
School of the Ozarks, Pt. Lookout, MO 65726	263
Peace College [W], Raleigh, NC 27604	
Pikeville College, Pikeville, KY 41501	213
Presbyterian College, Clinton, SC 29325	176, 188
Queens College [W], Charlotte, NC 28274	141
Rhodes College, Memphis, TN 38112	245
Rocky Mountain College, Billings, MT 59102	334
St. Andrews Presbyterian College, Laurinburg, NC 28352	141
Schreiner College, Kerrville, TX 78028	280
Sheldon Jackson College, Sitka, AK 99835	366
Sterling College, Sterling, KS 67579	263
Stillman College, Tuscaloosa, AL 35403	
Tarkio College, Tarkio, MO 64491	263
Trinity University, San Antonio, TX 78284	280
University of Tulsa, Tulsa, OK 74104	275
Tusculum College, Greeneville, TN 37743	167
Warren Wilson College, Swannanoa, NC 28778	141
Waynesburg College, Waynesburg, PA 15370	99
Westminster College, Fulton, MO 65251	263
Westminster College, New Wilmington, PA 16142	100
Westminster College, Salt Lake City, UT 84105	334
Whitworth College, Spokane, WA 99251	369
Wilson College [W], Chambersburg, PA 17201	100
College of Wooster, Wooster, OH 44691	210

APPENDIX E

SEXUAL HARASSMENT POLICY PROPOSED

BY SHELDON JACKSON COLLEGE FACULTY

SEXUAL HARASSMENT POLICY

I. PREAMBLE:

Sheldon Jackson College attempts to maintain a community which is free of sexual harassment and all forms of sexual intimidation and exploitation. The following policy concerning sexual harassment was adopted by the faculty in order to clarify the meaning of sexual harassment and to establish fair and effective procedures for dealing with complaints of sexual harassment. The type of work and learning environment which is a prerequisite for the educational program fostered by SJC must be one in which all individuals are free to develop close relationships without fear of inappropriate sexual behavior on the part of any member of the community.

The type of relationship which causes greatest concern involves individuals who are at different levels of authority or power within the institution. Relationships which in other circumstances might seem appropriate may cause some difficulties when they occur between any member of the faculty or administration and any student or College employee for whom he or she has professional responsibility. Furthermore, even when all parties consent to these relationships, they may do damage to a trust that is fundamental to our enterprise. Members of the College community should have the security of knowing that the educational environment here encourages the development of relationships without the fear of consequences evoked by inappropriate sexual behavior.

When the authority and power inherent in faculty relationships to their students, whether overtly, implicitly, or through misinterpretation, is abused in this way, there is potentially great damage to individual students, to the person complained of, and to the educational climate of the College. While a particular interaction must be offensive and unconsented to be defined as harassment, faculty members and other individuals in positions of authority should be sensitive to the questions about mutuality of consent that may be raised and to the conflicts of interest that are inherent in personal relationships where professional and educational relationships are also involved.

II. LEGAL BASIS:

1. Sexual harassment is a violation of Title VII of the 1964 Civil Rights Act and a prohibited personnel practice.

2. The federal circuit court for Alaska, has ruled the company is liable for a supervisor's conduct. (Miller vs. Bank of America, 600F2d 211 (9th Cir. 1979).

III. DEFINITIONS:

1. "Sexual harassment" includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

   a. 1.) Submission to said conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or

      2.) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or

3.) Such conduct even without threat of punishment or promise or reward, has the purpose or necessary effect of unreasonably interfering with an individual's work or academic performance or creating a hostile, intimidating or offensive working or learning environment; or

4.) A subordinate or student solicits, proffers or panders sexual favors in order to achieve favor, employment, status, grades or other rewards and advancement.

AND

b. 1.) Such conduct or behavior was known by the actor to be unwelcome, harmful or offensive; or

2.) A person of average sensibilities would clearly have understood that the bahavior or conduct was unwelcome, harmful or offensive.

2. "Learning/working environment" is defined as the premises of Sheldon Jackson College or any site where educational programs and activities are conducted in the name of Sheldon Jackson College or any unit thereof including, but not limited to, classrooms, libraries, campus grounds and student and employee living quarters.

3. Sexual harassment does not refer to occasional compliments. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which therefore interferes with the work effectiveness of its victims and their co-workers.

IV. WHAT TO DO IF HARASSED:

1. If you believe you are being harassed, you have the right to complain and take action in several ways. Remember, you are not the guilty party.

2. Make it clear to the offender that this type of behavior is inappropriate and unacceptable. If you feel that you cannot do this alone, seek support from someone that you trust and who is willing to confront the offender with you. Another option is to write a note stating your disapproval of the actions. The important point is to be specific on what behavior is inappropriate so the offender will have no doubts. Seeking support and/or advice on how to approach a sexual harassment incident is recommended so you won't be confronting this problem alone, and so that others will be aware of the situation.

3. If sexual harassment continues, document it, listing dates, locations and possible witnesses.

4. Report the harassment with the procedure listed below.

V. COMPLAINT PROCEDURE:

1. Report the harassment, orally or in writing, to the EEO Counselor or Affirmative Action Officer. (a) The officer will discuss the complaint with you. (b) Once you have given your written permission, the officer will appoint an investigator to handle the case.

Anonymous complaints shall not be accepted for investigation under these regulations. Since alleged offenders are entitled to know the identity of their accusers whenever formal disciplinary action may be contemplated, investigators cannot guarantee anonymity to complaining parties or witnesses. Investigators should, however, make every reasonable effort to protect the legitimate privacy interests of all concerned parties.

2. Make an appointment with the investigator to determine if the situation can be handled through confidential mediation and conciliation. This could involve individual meetings with the parties involved and the investigator or joint meetings of those involved.

3. If informal procedures are inappropriate or unsuccessful, you may petition for a formal hearing. The petition must include your name, the respondent's name, a detailed statement of the specific facts which are alleged to constitute sexual harassment, names of witnesses and any other documentation.

4. The EEO Counselor or Affirmative Action Officer will review the petition with you within seven days. S/he will ask you to choose from a Register of names a member of the Hearing Panel. The respondent will select a second member, and the two selected will choose a third member from the Register, who will serve as chair of the Hearing Panel.

   The Register will include no fewer than five individuals each from the faculty, administrative staff, support staff and student body, elected by their respective representatives bodies. Register members will be selected in the spring of the year and will serve throughout the subsequent academic year.

5. When the Hearing Panel is convened, all concerned will be present, allegations and evidence will be presented and any witnesses will testify. The Panel will render a decision within thirty days. If it finds insufficient proof of sexual harassment, the process will be terminated.

VI. DISCIPLINARY ACTION:

If the Panel does determine that the behavior reported constituted sexual harassment, it will forward a recommendation of disciplinary action to the President or Chief Admin. of the area. All appropriate due process will be observed. The President will render a decision within fourteen days.

a. Disciplinary action may include temporary suspension, expulsion, or discharge.

b. An alternative to disciplinary action may be appropriate counseling.

c. In determining whether or what disciplinary action may be warranted in any given case, the hearing panel should give due regard for the cultural backgrounds of the alleged offenders and the victims alike. What may be a friendly or polite gesture in one society may constitute solicitation or consent in another.

d. In determining what remedial action may be appropriate, supervisors should consider the extent to which the offender knew or reasonably should have known that his or her conduct was unwelcome, harmful or offensive.

VII. GUIDELINES FOR INVESTIGATION:

1. It is a violation of college policy to fail to investigate complaints reported by the person who is the subject of an alleged sexual harassment, or preferential treatment or threats concerning an individual's academic or employment status. Such failure constitutes gross misconduct and will not be tolerated. Any person who (1) commits sexual harassment, or (2) shirks his or her investigatory or supervisory responsibilities, or (3) provides false witness against another, shall be subject to prompt and appropriate disciplinary action. In such cases, a single incident will establish grounds for severe disciplinary action.

2. The following guidelines are offered to help investigators determine what constitutes sexual harassment and how to deal with related complaints.

   a. Investigators should make every reasonable effort to preserve the confidentiality of their informal investigation and resolution efforts since complaints of sexual harassment can have a devastating effect on all parties.

   b. Sexual relationships between consenting adults do not constitute sexual harassment. These relationships may give rise to legitimate claims by others of unprofessional conduct or conflict of interest and should be treated accordingly. Similarly, jilted lovers who try to force their affections on others may be guilty of ordinary harassment, even though they frequently view themselves as the "real" victims and not as the aggressors.

   c. All persons have the legal right to oppose and voice complaints about any college practices which they reasonably believe constitute sexual harassment. Therefore, no college official may take disciplinary or other adverse action against any person who genuinely but mistakenly believes him or herself to be aggrieved, even if the practices complained of do not, in fact, constitute sexual harassment.

   d. Complainants cannot expect to gain immunity from normal disciplinary rules and procedures simply by filing sexual harassment complaints against others.

VIII. TRAINING

Prompt corrective action and discipline consistent with due process are essential in the effect to eliminate or prevent sexual harassment. Equally important is the education of members of the college community on the subject of sexual harassment, and to make them more sensitive to its forms and damaging consequences.

The training programs should:

1. Sensitize employees and students to the rights and responsibilities of all concerned parties;

2. Provide supervisors and administrators with current information on applicable laws, rules, regulations and procedures; and

3. Demonstrate appropriate techniques for the careful investigation and mediation of sexual harassment allegations.

IX. DISSEMINATION

The College administration shall make every reasonable effort to inform all members of the college community regarding the proper procedures and persons responsible for handling sexual harassment complaints. In particular, this information should be communicated to all new employees and students as an integral part of their orientation experience and will be included in the student and personnel handbooks.

APPENDIX F

SHELDON JACKSON COLLEGE

SEXUAL HARASSMENT POLICY

SEXUAL HARASSMENT POLICY

I. PREAMBLE :

Sheldon Jackson College places high priority upon a community which is free of sexual harassment in all forms of sexual intimidation and exploitation. The following policy has been adopted by the college in order to clarify the meaning of sexual harassment and to establish fair and effective procedures for accomodating complaints of sexual harassment. The type of work and learning environment which is a prerequisite for the educational program fostered by Sheldon Jackson College must be one in which all individuals are free to develop close relationships without fear of inappropriate sexual behavior.

II. COLLEGE SANCTIONS :

The College reserves the right and authority to impose grave sanctions when allegations of sexual harassment are substantiated. Such sanctions may include discontinuation of employment or enrollment.

III. DEFINITIONS :

1. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature among members of the SJC community where:

a.

(1) Submission to said conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or

(3) Such conduct, even without threat of punishment or reward, has the purpose or necessary effect of unreasonably interfering with an individual's work or academic performance or creating a hostile, intimidating or offensive working or learning environment; or

(4) A subordinate or student solicits, proffers or panders sexual favors in order to achieve favor, employment, status, grades or other rewards and advancement.

AND

b.

(1) Such conduct or behavior was known by the actor to be unwelcome, harmful or offensive; or

(2) A person or persons of average sensibilities would clearly have understood that such conduct or behavior was unwelcome, harmful or offensive.

2. Sexual harassment does not refer to occasional compliments. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which therefore interferes with the work effectiveness of its victims and their co-workers.

IV. WHAT TO DO IF HARASSED :

1. If you believe you are being harassed, you have the right to complain and take action in several ways. Remember , you are not the guilty party.

2. Make it clear, orally or in writing, to the offender that this type of behavior is inappropriate and unacceptable. The important point is to be specific on what behavior is inappropriate so the offender will have no doubts.

3. If you feel you cannot do this alone, seek support from someone that you trust and who is willing to confront the offender with you. Seeking support and/or advice on how to approach a sexual harassment incident is recommended so you won't be confronting this problem alone, and so that others will be aware of the situation.

4. If sexual harassment continues, document it, listing dates, locations and possible witnesses.

5. Report the harassment using the procedure below.

V. COMPLAINT PROCEDURE

Formally report the harassment, orally or in writing, to an administrator of the college. The administrator will discuss the complaint with you and, if you give written permission, initiate the standard college grievance procedure.

Anonymous complaints will not be accepted for investigation. Since alleged offenders are entitled to know the identity of their accusers whenever formal disciplinary action my be contemplated, anonymity cannot be guaranteed to complaining parties or witnesses. However, every reasonable effort will be made to protect the legitimate privacy interests of all concerned parties.

VI. GUIDELINES FOR INVESTIGATION :

It is a violation of college policy to fail to investigate complaints supported by the person who is the subject of alleged sexual harassment or preferential treatment or threats concerning an individual's academic or employment status. Such failure constitutes gross misconduct and will not be tolerated.

Sexual relations between consenting adults do not constitute sexual harassment. These relationships may give rise to legitimate claims by others of professional conduct or conflict of interest and should be treated accordingly. Similarly, jilted lovers who try to force their attentions on others may be guilty of ordinary harassment, even though they frequently view themselves as the "real" victims and not the aggressors.

All persons have the legal right to oppose and voice complaints about any college practices which they reasonably believe constitute sexual harassment free of any recourse by any member of the SJC community.

Complainants cannot expect to gain immunity from normal disciplinary rules and procedures simply by filing sexual harassment complaints against others.